

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Board of Education
Department of Education
(Repealer)

704 KAR 7:121. Repeal of 704 KAR 7:120.

RELATES TO: KRS 159.030, 160.290

STATUTORY AUTHORITY: KRS 156.070, 156.160, 157.220, 158.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070 requires the Kentucky Board of Education to establish policy or act on all matters relating to the administrative responsibility of the Department of Education. KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulations establishing standards which school districts shall meet in student, program, service, and operational performance. KRS 157.220 requires the Kentucky Board of Education to promulgate administrative regulations for the proper administration of KRS 157.200 to 157.280 concerning special educational programs. KRS 159.030 provides exemptions from compulsory attendance for students whose physical or mental condition prevents or renders inadvisable attendance at school. KRS 158.030 requires the Kentucky Board of Education to promulgate administrative regulations to establish the components of home or hospital instruction. This administrative regulation repeals the minimum requirements for home/hospital instruction programs. This repeal is necessary to change and relocate the regulation within the Kentucky Department of Education's range of regulations as a result of KRS 157.270 being repealed and reenacted with changes as KRS 158.033.

Section 1. 704 KAR 7:120, Home/hospital instruction, is hereby repealed.

JASON E. GLASS, Commissioner

LU YOUNG, Chairperson

APPROVED BY AGENCY: June 11, 2021

FILED WITH LRC: June 11, 2021 at 9:49 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on August 30, 2021, at 10:00 a.m. in the State Board Room, 5th Floor, 300 Sower Blvd, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through August 31, 2021.

CONTACT PERSON: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals 704 KAR 7:120.

(b) The necessity of this administrative regulation: KRS 157.270 was repealed and reenacted with changes as KRS 158.033 during the 2020 Session of the General Assembly. It is therefore necessary to change and relocate the regulation within the Kentucky Department of Education's (KDE) range of regulations through repeal and replacement. The new home and hospital regulation is being simultaneously promulgated as 702 KAR 7:150.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 158.033 requires the Kentucky Board of Education (KBE) to promulgate administrative regulations to establish the components of home or hospital instruction.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The repeal of 704 KAR 7:120 will allow the promulgation of a new home and hospital regulation that complies with KRS 158.033.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This is a repeal of KRS 704 KAR 7:120.

(b) The necessity of the amendment to this administrative regulation: KRS 157.270 was repealed and reenacted with changes as KRS 158.033 during the 2020 Session of the General Assembly. It is therefore necessary to change and relocate the regulation within the Kentucky Department of Education's (KDE) range of regulations through repeal and replacement. The new home and hospital regulation is being simultaneously promulgated as 702 KAR 7:150.

(c) How the amendment conforms to the content of the authorizing statutes: This is a repeal of KRS 704 KAR 7:120. A new regulation, 702 KAR 7:150, is being simultaneously promulgated to comply with the newly enacted KRS 158.033.

(d) How the amendment will assist in the effective administration of the statutes: This is a repeal of KRS 704 KAR 7:120.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Local school districts.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: This is a repeal of KRS 704 KAR 7:120. No action is required.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no cost to local school districts.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This is a repeal of KRS 704 KAR 7:120.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: There are no costs associated with the repeal of this administrative regulation.

(b) On a continuing basis: There are no costs associated with the repeal of this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: This is a repeal of KRS 704 KAR 7:120.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: No increase in fees or funding are necessary to repeal this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indi-

rectly increased any fees: No direct or indirect fees are associated with the repeal of this administrative regulation.

(9) TIERING: Is tiering applied? No tiering is applied. This is a repealer.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Contact Person: Todd G. Allen

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Local school districts.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. This is a repeal of KRS 704 KAR 7:120.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This is a repeal of KRS 704 KAR 7:120. No revenue will be generated.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This is a repeal of KRS 704 KAR 7:120. No revenue will be generated.

(c) How much will it cost to administer this program for the first year? This is a repeal of KRS 704 KAR 7:120. There are no costs associated with the repeal.

(d) How much will it cost to administer this program for subsequent years? This is a repeal of KRS 704 KAR 7:120. There are no costs associated with the repeal.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): N/A

Expenditures (+/-): N/A

Other Explanation: